IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

SUMMONS FOR JUDGMENT NO.14 OF 2006

IN

SUIT NO.2253 OF 2005

...

D.J. Sharma ...Plaintiff

v/s.

Shri Anil Kumar Anand ...Defendant

...

Ms.Sangita Musale for the Plaintiff.

None for the Defendant.

...

CORAM: D.K.DESHMUKH, J.

DATED: 27TH JUNE, 2006

P.C.:

The Plaintiff has filed this suit on the basis of two promissory notes. It is the Plaintiff's case that he advanced money to the Defendant. The Defendant denies his signature on the promissory note. He says that they are forged. The Plaintiff, however, is not in a position to prove that the money was actually received by the Defendant. Because the Plaintiff is not in a position to produce any document apart from the two promissory notes to prove that the Defendant actually received the money on that date, though according to the Plaintiff the amount was paid by cheque.

2. In this view of the matter, therefore, in my opinion, it will not be appropriate to pass a decree in favour of the Plaintiff by following summary procedure. Summons for judgment is, therefore, disposed of. Defendant is granted unconditional leave to defend the suit. Written statement to be filed within eight weeks from today. Suit be transferred to commercial cause list.

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